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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 ULISES BENITES PAREDES,
12 Petitioner,
13 v.
14 BRIAN E. WILLIAMS, et al.,
15 Respondents.
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Case No. 2:21-cv-02232-RFB-BNW

ORDER

17 This is a habeas corpus action under 28 U.S.C. § 2254. Petitioner has submitted an
18 application to proceed in forma pauperis. ECF No. 1. The court finds that petitioner is unable to
19 pay the filing fee.

20 Petitioner also has filed a motion for appointment of counsel. ECF No. 2. Petitioner is
21 unable to afford counsel, and his claims would benefit from representation. The court thus grants
22 the motion. See 18 U.S.C. § 3006A.

23 IT THEREFORE IS ORDERED that the application to proceed in forma pauperis (ECF No.
24 1) is **GRANTED**. Petitioner need not pay the filing fee of \$5.00.

25 IT FURTHER IS ORDERED that the clerk of the court shall file the petition for a writ of
26 habeas corpus pursuant to 28 U.S.C. § 2254.
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1 IT THEREFORE IS ORDERED that petitioner's motion for appointment of counsel (ECF
2 No. 2) is **GRANTED**. Counsel will represent the petitioner in all federal proceedings related to
3 this matter, including any appeals or certiorari proceedings, unless allowed to withdraw.

4 IT FURTHER IS ORDERED that the Federal Public Defender is appointed provisionally
5 as counsel for petitioner. The Federal Public Defender will have 30 days from the date of entry of
6 this order either to undertake representation of petitioner or to indicate to the court the office's
7 inability to represent petitioner. If the Federal Public Defender is unable to represent petitioner,
8 then the court will appoint alternate counsel, subject again to establishment of financial eligibility.
9 The court will set a deadline for filing of an amended petition or a motion seeking other relief after
10 counsel has appeared. The court does not signify any implied finding of tolling during any time
11 period established or any extension granted. Petitioner always remains responsible for calculating
12 the limitation period of 28 U.S.C. § 2244(d)(1) and timely presenting claims. The court makes no
13 representation that the petition, any amendments to the petition, and any claims in the petition or
14 amendments are not subject to dismissal as untimely. See Sossa v. Diaz, 729 F.3d 1225, 1235 (9th
15 Cir. 2013).

16 IT FURTHER IS ORDERED that the clerk add Aaron Ford, Attorney General for the State
17 of Nevada, as counsel for respondents.

18 IT FURTHER IS ORDERED that respondents' counsel must enter a notice of appearance
19 within twenty-one (21) days of entry of this order, but no further response will be required from
20 respondents until further order of the court.

21 IT FURTHER IS ORDERED that the clerk provide copies of this order and all prior filings
22 to both the Attorney General and the Federal Public Defender in a manner consistent with the clerk's
23 current practice, such as regeneration of notices of electronic filing.

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1 IT FURTHER IS ORDERED that, notwithstanding Local Rule LR IC 2-2(g), paper copies
2 of any electronically filed exhibits need not be provided to chambers or to the staff attorney, unless
3 later directed by the court.

4 DATED: January 31st, 2022

A handwritten signature in black ink, consisting of a stylized 'R' and 'B' intertwined.

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6 RICHARD F. BOULWARE, II
United States District Judge